SINGAPORE

1. Discriminatory family code

Family matters are governed by two distinct legislative systems, the civil Women’s Charter and Muslim (Sharia) law. The Women’s Charter governs all civil marriages in Singapore and fixes the minimum legal age of marriage to 18 years, with parental consent. In 2008, amendments were made to the Administration of Muslim Law Act to raise the minimum legal age of marriage from 16 to 18 years for Muslim women. This aligns the minimum marriage age for Muslims with that for non-Muslims. Like their non-Muslim counterparts, a Muslim below 18 years of age wishing to get married will have to apply for a Special Marriage Licence from the Ministry of Community Development, Youth and Sports before they can marry.

The United Nations reports, based on 2010 data, that 0.4% of girls between 15 and 19 years of age were married, divorced or widowed; compared to 0.1% of boys in the same age range. In 1970, 5% of girls aged between 15 and 19 were married, divorced or widowed which indicates that societal acceptance of early marriage has declined in recent decades. The average age of marriage for women reported in 2010 was 27.

Under the Women’s Charter, parental authority is exercised jointly. These rights and responsibilities apply both to non-Muslims and Muslims.

The civil Women’s Charter provides equal divorce rights. The law makes it obligatory for the husband to financially maintain his wife and children during marriage and upon divorce and for the equitable division of matrimonial assets. Maintenance is payable to the custodial parent upon divorce. However if both mother and father are working, responsibility to maintain the children is a dual responsibility. Under The Women’s Charter, Maintenance Orders can be enforced if there is a default including, imprisoning the defaulting spouse or directly deducting maintenance directly from his monthly salary so that the maintenance can be paid into the ex-spouse’s bank account. Amendments to the Administration of the Muslim Law Act mean that Muslim women may avail themselves of the same enforcement proceedings for maintenance as in civil marriages. Principles governing the division of matrimonial property, as well as custody

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1 CEDAW (2009) p.77
2 CEDAW (2009) p.79; Women’s Charter 1961, Art. 9; Administration of Muslim Law Act 1966 Arts. 96(4) and (5)
3 UN (2012)
4 World Economic Forum (2013), p.266
5 Women’s Charter 1961, Art.46
6 CEDAW (2009), p.13
7 AWARE (2011), p.142
control and access of children are now also identical for Muslims and non-Muslims. However, in practice, NGOs report that women often face significant difficulty in enforcing maintenance orders. In order to address this, the Government has established ‘Maintenance Support Central’, a one-stop centre to provide assistance to women claiming their monthly payment.

Civil law in Singapore provides equal inheritance rights for women and men. However, under the Administration of Muslim Law Act, male beneficiaries are favoured over female beneficiaries. A male relative receives a share equal to that of two females when children inherit from parents. However, in March 2010 a decision of the Court of Appeal clarified that the concept of joint tenancy and the right to survivorship in civil law extended to a Muslim woman by way of the rights to survivorship.

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The Women’s Charter, which applies to non-Muslims, forbids men in Singapore from taking more than one wife. Under the Administration of Muslim Law Act, Muslim men may take as many as four wives, upon approval by the Registry of Muslim Marriages, although NGOs have noted that in practice, this rule can be circumvented by marrying outside of the country. Case law has allowed polygamous marriages on grounds such as: a wife’s failure to conceive (whether or not medically the fault lay with her), a wife’s failure to produce male children, a wife’s long-term illnesses. Requests to take additional spouses may be refused by the Registry of Muslim Marriages, which solicits the views of an existing wife or wives and reviews the financial capability of the husband. A study by the US Department of State states that in 2013 there were 40 applications for polygamous marriages, of which 10 were approved. Polygamous marriages constituted 0.2% of Muslim marriages.

Both women and men have the right to divorce under the Administration of Muslim Law Act, however Muslim women are required to show grounds for divorce, whereas a Muslim man can simply pronounce “talq” (repudiation). The Syariah court generally grants care and control of children under 7 years of age to mothers; while children above seven years are interviewed by the court. For civil courts, joint custody is the norm and sole custody the exception.

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10 AWARE (2007), p.98  
11 AWARE (2007), p.113  
13 AWARE (2011), p.30  
14 AWARE (2007), p.11  
15 AWARE (2011), p.144  
16 AWARE (2007), p.102  
17 US State Department (2013)  
18 AWARE (2007), p.107  
19 Women’s Charter 1961, Art.6  
20 AWARE (2011), p.147
2. **Restricted physical integrity**

The Women’s Charter prohibits *domestic violence*. Both Muslims and non-Muslims apply for Personal Protection Orders against those who commit family violence in the civil courts, and prosecutions for breaches of protection orders are heard in criminal courts. The Syariah court is not empowered to hear applications for protection orders or applications related to domestic violence. However, the limited definition of “family member” in the civil law has meant that a single woman cannot file for a protection order against her partner who she has been cohabitating with.

The Government has also reportedly provided crisis shelters, medical treatment, psychological support, counselling and financial aid to victims of abuse, regardless of nationality. Although women’s groups have noted that the demand for shelter spaces is not being met, due to lack of funding. Additionally, a Code of Practice for the Investigation of Family Violence has been developed, and a Family Violence Mandatory Counselling Programme for perpetrators has been established.

Nevertheless, domestic violence continues to be a significant problem in Singapore. There is no official prevalence data on family violence; however the US State Department reports that during 2013 there were 3,072 applications for personal protection orders. The 2009 International Violence against Women Survey found that, of those women who experienced violence from a partner, 42% reported that they felt their life was in danger, 46% were physically injured, 29% needed medical care and 28% considered the incident “very serious”. Where the perpetrator of violence was a partner, only 13% of victims sought assistance from a specialised agency and 71% did not report the incident to the police. The study found that Malay women were more vulnerable to violence compared to Indian women.

Additionally, migrant women are even further vulnerable to domestic violence. The Star Shelter, run by the Singapore Council of Women’s Organisations, has seen the number of foreign brides seeking help increase from 4 or 5% a year to 10% a year in the years 2009-2011.

The Ministry of Community Development, Youth and Sports commissioned a study to gather public perception on their awareness of family violence in 2002-2003. This study showed that more media publicity was needed to increase awareness of family violence. Subsequently, the government embarked upon public education through advertisements and editorial write-ups in newspapers and magazines. The follow-up study conducted in 2007 indicated positive shifts in

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21 CEDAW (2009), p.13
23 Women’s Charter 1961, Arts. 64 and 65
24 Women’s Charter 1961, Art 64
26 AWARE (2011), p.165
27 AWARE (2011), p.164
28 US State Department (2013)
29 SAFV-NUS (2010)
30 AWARE (2011), p.159
public perceptions of family violence. The public became less tolerant towards spousal violence compared to 2003. More respondents felt strongly that physical violence was an unacceptable part of married life and would count slapping, pushing, and threatening to hurt a spouse as acts of abuse regardless of the frequency of occurrence. More respondents were also aware of what constitutes emotional violence, suggesting that there is heightened awareness of the protection offered under the law.\textsuperscript{31}

\textbf{Rape} is prohibited by the Penal Code, punishable by imprisonment of up to 20 years and caning.\textsuperscript{32} Spousal rape is not a specific crime, but in 2008 the government introduced an amendment removing the blanket immunity for married partners, making it an offence for a husband to engage in non-consensual sexual intercourse in the case that the husband and wife are separated and living apart or if the wife has a protection order.\textsuperscript{33} These exceptions have been criticized by NGO groups for not going far enough to protect women who are not officially separated from their partner.\textsuperscript{34}

NGOs have identified significant limitations to the implementation of the sexual violence law, including negative gender stereotyping on behalf of the judiciary and police; and the fact that forensic evidence, such as rape kits, are only collected at the discretion of police.\textsuperscript{35} In addition, the Evidence Act allows for evidence of the immortal character of the victim to be introduced during trial to impeach the credibility of the witness.\textsuperscript{36} The US State Department notes that in 2012, at least 20 persons were charged for rape, 7 were convicted, 2 were acquitted, and 11 were awaiting trial.\textsuperscript{37} However, these figures may be affected by under-reporting. The International Violence against Women Survey of 2006 women, conducted in 2009 by the National University of Singapore, found that 7\% of women aged 18 to 69 had experienced physical violence in their lifetime, and 4\% had experienced sexual violence.\textsuperscript{38}

\textbf{Sexual harassment} can be charged under various laws, including the ‘outrage of modesty’ provision under the Penal Code and the Miscellaneous Offences (Public Order & Nuisance) Act.\textsuperscript{39} ‘Outrage of Modesty’ is defined as an assault or use of criminal force on any person with the intent to, or the knowledge that it may, outrage the modesty of that person.\textsuperscript{40} However, local women’s groups have called for the introduction of specific legislation to outlaw sexual harassment, as well as dedicated mechanisms to implement the law, and have noted the lack of research and data collection on the prevalence of the problem.\textsuperscript{41}

There is no evidence to suggest that \textbf{female genital mutilation} (FGM) is practiced in Singapore.

\begin{itemize}
\item \textsuperscript{31} CEDAW (2009) p.83
\item \textsuperscript{32} US State Department (2013)
\item \textsuperscript{33} AWARE (2011), p.160
\item \textsuperscript{34} AWARE (2011), p.160
\item \textsuperscript{35} AWARE (2011), p.161
\item \textsuperscript{36} AWARE (2011), p.161
\item \textsuperscript{37} US State Department (2013)
\item \textsuperscript{38} SAFV-NUS (2010)
\item \textsuperscript{39} Penal Code, Sec.509; Miscellaneous Offences (Public Order and Nuisance) Act, Sec.13 A-B
\item \textsuperscript{40} US State Department (2013)
\item \textsuperscript{41} AWARE (2011), p.95
\end{itemize}
Limitations on women’s reproductive rights also infringe upon women’s physical integrity in Singapore. The Abortion Act of 1974 provides that abortion is permitted when a pregnancy is terminated by a registered physician acting on the request of a pregnant woman and with her written consent during the first 24 weeks of pregnancy. Beyond that time, an abortion may be performed only if immediately necessary to save the life or prevent grave permanent injury to the physical or mental health of the pregnant woman. Contraceptive supplies and information provided by the Ministry of Health as well as public and private doctors were readily available. There is no current data on the percentage of married women using contraception.

 Trafficking in persons takes place on a significant scale in Singapore, but largely goes unrecognized at the official level. NGOs have reported that migrant workers, the majority of which are women, face deception regarding the nature or salary of their work, confiscation of their passport, restriction of movement, or physical and sexual abuse: all of which have been identified as indicators of potential trafficking. Singapore has enacted anti-trafficking laws, and temporary protection visas have been extended to civil actions to allow the victims to claim compensation. However the US State Department reported in 2013 that the Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking, although it is making significant efforts to do so. In particular, women’s groups have criticized the anti-trafficking laws for failing to recognize that a person may be trafficked without the use of physical coercion.

3. Son bias

The male/female sex ratio at birth in 2014 is 1.07 and in the working age population (15-64) it is 1.05.

There is no evidence to suggest that Singapore is a country of concern in relation to missing women.

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Sex-disaggregated data on child nutrition and child labour are not available for Singapore. Non-government organisations in Singapore have introduced a number of awareness raising programmes with men and boys to challenge gender stereotypes, particularly in relation to family roles. Data from the World Economic Forum (WEF) shows that there is only a slight

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42 UN (2011)
43 US State Department (2013)
44 Transient Workers Count too and the Global Alliance Against Traffic in Women (2011), p.4
45 SCWO CEDAW Report (2011), p.27
46 US State Department (2013b)
47 SCWO, p.27
48 US State Department (2013b)
49 Transient Workers Count too and the Global Alliance Against Traffic in Women (2011), p.4
50 CIA (2014)
51 CEDAW (2009) p.20
gender gap in educational attainment, indicating the possibility of son preference with respect to education.\textsuperscript{52}

4. **Restricted resources and assets**

The Women’s Charter gives women ownership rights to land and access to non-land assets. Section 51 of the Women’s Charter enables a married woman to acquire, hold and dispose of any property. However, the law that governs inheritance for women married under Muslim law contains discriminatory provisions of women’s ability to inherit and bequeath assets, which favour male beneficiaries over female beneficiaries.\textsuperscript{53} Although there is little information on the number of women affected by these laws, NGOs report that these rules significantly disadvantage women’s ability to access and control property.\textsuperscript{54}

In respect of non-land assets, the Women’s Charter also states that women are capable of rendering themselves and being rendered liable in respect of tort, contract, debt or obligation; suing and being sued in her own name; as well as being subject to bankruptcy laws and enforcement of judgments and orders. The Administration of Muslim Law Act provides that Muslim women may also enter into contracts; dispose of property by will without concurrence of husband; manage and own their own wages, investments and assets.\textsuperscript{55}

Women also have equal access to financial services, including bank loans and other forms of credit, and the right to enter into legal contracts independently.\textsuperscript{56} According to the World Bank, 98\% of both women and men have an account at a financial institution; while 6.3\% of women have taken out a loan in the year 2010 to 2011, as opposed to 13.8\% of men.\textsuperscript{57}

5. **Restricted civil liberties**

Women do not appear to be discriminated against with regards to freedom of movement and access to public space. Civil society groups are active and coordinated, although one peak body reported in 2011 that NGO and community groups were under-resourced and under-supported by the Government.\textsuperscript{58} There is no evidence that women human rights defenders in Singapore are singled out for persecution.

Women’s political participation is low in Singapore. Women make up 24.2\% of parliamentarians\textsuperscript{59} and there were no female Ministers as of 2013.\textsuperscript{60} 2013 Government statistics show that only 2 of the 19 Supreme Court judges are women.\textsuperscript{61} There are no quotas in place to increase women’s engagement with political processes.

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\textsuperscript{52} World Economic Forum (2013) p.332
\textsuperscript{53} Administration of Muslim Law Act, 1966 Arts. 111 and 114
\textsuperscript{54} AWARE (2011), p.30
\textsuperscript{55} AWARE (2007) pp.117-118
\textsuperscript{56} World Bank (n.d.)
\textsuperscript{57} World Bank (2014)
\textsuperscript{58} SCWO NGO report, p.30
\textsuperscript{59} IPU (2013)
\textsuperscript{60} World economic Forum (2013), p.332
\textsuperscript{61} Ministry of Social and Family Development (2013)
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The Employment Act provides some protection of women’s equal rights in the workplace, including the dismissal of pregnant women. However, NGOs have pointed out that the weak prosecutions in cases of unfair dismissals and the weak penalties for violations have rendered the law ineffective as a deterrent. Moreover, the Act contains no protections against pregnancy discrimination in the recruitment process. Pregnancy related claims are still high, and NGOs have argued that most cases of wrongful dismissal go unreported. Maternity protections, or any other provisions of the Employment Act, are not afforded to migrant workers, who can be deported if they test positive during compulsory pregnancy checks.

The Employment Act provides for 16 weeks of paid maternity leave paid at 66% of wages, with the first 8 weeks paid by the employer, and the second 8 weeks funded by the Government, up to a ceiling. For third and subsequent births, the full 16 weeks are funded by the Government, up to a ceiling.

The Constitution was amended in 2004 to allow children born overseas to acquire Singapore citizenship by descent from their Singaporean mother. Previously, only fathers could pass Singapore citizenship to foreign-born children.

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62 Employment Act (Chapter 19)
http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%22571f13ea-3a91-47ef-a07b-f45d12fc2101%22%20Status%3Apublished%20Depth%3A0;rec=0 (accessed 24 October 2014).
63 AWARE (2011), p.94
67 CEDAW (2009), p.16
Sources


